UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/77
20 February 1992

ENGLISH
Original: ARABIC

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Note verbale dated 15 January 1992 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of the Republic of Iraq has the honour to request that the attached document, which has been prepared by the Government of Iraq on the effects of the economic blockade on the civilian population of Iraq, be circulated as an official document of the forty-eighth session of the Commission on Human Rights under agenda item 7.

GE.92-10864/4235B

Introduction

1. This document is submitted by the Government of Iraq on the effects of the Security Council resolutions concerning the imposition of economic sanctions on Iraq, on the realization of economic, social and cultural rights; it is also a study of the problems related to the right of the Iraqi people to enjoy an adequate standard of living as a result of those resolutions.

I. THE OBLIGATIONS OF STATES AND OF THE INTERNATIONAL COMMUNITY TO ENSURE THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE EXTENT OF IRAQ'S FULFILMENT OF THESE OBLIGATIONS UNTIL THE ADOPTION OF THE ECONOMIC SANCTIONS RESOLUTIONS BY THE SECURITY COUNCIL OF THE UNITED NATIONS

2. All States have an obligation to ensure the realization of economic, social and cultural rights under the terms of the Universal Declaration of Human Rights and the provisions of the International Covenant on Economic, Social and Cultural Rights. The obligations of States in this regard are characterized by their linkage to the endeavours of the international community, since the fulfilment of these obligations by States depends on the extent of their resources and their national income, particularly in the case of realization of the right to an adequate standard of living. This is evident from articles 22 and 28 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights, paragraph 1 of which refers to the essential importance of international cooperation based on free consent for the realization of the right of everyone to an adequate standard of living for himself and his family.

3. The studies on economic, social and cultural rights which have been prepared by the special rapporteurs of the Sub-Commission have emphasized the special importance of international cooperation for the realization of these rights, particularly the right to food. For example, in his study on the right to adequate food as a human right (Human Rights Study Series No. 1; United Nations Publication, Sales No. E.89.XIV.2), Mr. Eide, the Special Rapporteur, stresses the joint responsibility of States and the international community for the enjoyment of food security (parts IV and V of the study).

4. Iraq has attached great importance to its obligation to ensure that its citizens and residents enjoy an adequate standard of living and appropriate free health services within the context of voluntary international cooperation, particularly after Iraq exercised its right to control its natural petroleum resources in 1972, which enabled it to secure adequate funds to cover the financial cost of the realization of economic and social rights. In this connection, reference can be made to Iraq's second report on the application of articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights (E/1984/4/Add.3). Paragraph 71 of that report indicated that the average per capita share of national income rose from 109 dinars in 1970 to 1,161 dinars in 1980. Paragraph 72 provided detailed information concerning the manner in which the State was ensuring the supply of foodstuffs through subsidization, particularly in the case of

essential items such as wheat, sugar, flour, vegetable oils and infant formula, by bearing the difference between the cost price and the sale price which was fixed by the Government. The State is providing many services, free of charge or at reduced prices, in the field of education, study, health, domestic transportation and the supply of drinking water to villages and rural areas. The State has also taken steps to improve the quality of the foodstuffs supplied to consumers. The State provides food free of charge in all schools at the compulsory primary level and offers food aid to all children. There is also a similar programme in most maternal and child care centres (para. 88 of the report). The report referred to Iraq's contribution to international cooperation for the realization of the right to an adequate standard of living (para. 96). With regard to the right to enjoyment of the highest standard of physical health, as stipulated in article 12 of the International Covenant, the report contained details of the immunization programme (para. 124), the control of epidemic diseases (para. 126), the application of the international principles of health care to achieve the goal of health for all by the year 2000, and the implementation of the programmes to control the infant mortality rate (para. 127). This is a brief summary of the extent of Iraq's fulfilment of its obligations in the field of economic, social and cultural rights through international cooperation.

5. Following the adoption of the sanctions resolutions by the Security Council, the blockage of financial resources and the imposition of restrictions on the import of foodstuffs, the Iraqi Government was forced to apply a food rationing system under which every individual, whether a citizen or a foreign resident, received a monthly allocation. The details of this system can be found in the reports of international organizations which have visited Iraq. There was also a severe reduction in the health services provided by the State due to the shortage of medicines and medical requisites, as shown in section II of this document.

II. THE ADVERSE EFFECTS OF THE ECONOMIC SANCTIONS RESOLUTIONS ON THE ENJOYMENT BY THE PEOPLE IN IRAQ OF THEIR ECONOMIC, SOCIAL AND CULTURAL RIGHTS, PARTICULARLY THE RIGHT TO FOOD AND MEDICINE AND THE THREAT TO THEIR RIGHT TO LIFE, AS DETAILED IN THE REPORTS OF INTERNATIONAL ORGANIZATIONS

6. After 2 August 1990, the Security Council of the United Nations adopted a series of resolutions affecting economic, social and cultural rights, particularly resolution 661 (1990) of 6 August 1990 which imposed economic sanctions on Iraq. Paragraph 3 (c) of that resolution stipulated that "all States shall prevent the sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs ..." (emphasis added). This embargo, which in actual fact turned into an economic blockade by land, sea and air and continued in spite of the disappearance of its causes after Iraq's withdrawal from Kuwait, led to an acute shortage of food and medicine, thereby causing thousands of deaths in addition to its future social and economic consequences.

7. A number of international organizations have studied and analysed the effects of the embargo and blockade on the food and medicinal security of the people in Iraq. The principal observations made in those reports are quoted in the following paragraphs.

A. Report by Mr. Martti Ahtisaari, Under-Secretary-General for Administration and Management, dated 20 March 1991 (S/22366)

8. Paragraph 11 of the report prepared by Mr. Ahtisaari concerning his visit to Iraq reads as follows:

"Mission members held working sessions with counterparts from the relevant ministries, visited social centres where various vulnerable groups are cared for, agricultural production areas, a seed production centre, a veterinary health centre and a dairy production unit. The mission noted that Iraq has been heavily dependent on food imports which have amounted to at least 70 per cent of consumption needs. Seed was also imported. Sanctions decided upon by the Security Council had already adversely affected the country's ability to feed its people. New measures relating to rationing and enhanced production were introduced in September 1990. These were, however, in turn, negatively affected by the hostilities which impacted upon most areas of agricultural production and distribution".

9. Paragraph 13 of the report reads as follows:

"Livestock farming has been seriously affected by sanctions because many feed products were imported. The sole laboratory producing veterinary vaccines was destroyed during the conflict, as inspected by the mission. The authorities are no longer able to support livestock farmers in the combat of disease, as all stocks of vaccine were stated to have been destroyed in the same sequence of bombardments on this centre, which was an FAO regional project".

10. Paragraph 17 of the report reads as follows:

"The mission had the opportunity to conduct independent research relating to household costs and living standards in Baghdad. Such standards have declined rapidly in the last months, while food and fuel prices have climbed dramatically. Price increases in the August to January period reflected shortages of supply, but since January there has been a further acceleration of price increases reflecting both supply shortages and the breakdown of the transport system. Interviews with private wholesale food distributors revealed that their stocks are near depletion and they no longer have an organized private transport capacity, owing to fuel shortages. The Government-initiated rationing system was designed to provide families with a fraction of their basic necessities at prices comparable to those prevailing before August. The system allows families either 5 kilograms per person, per month, of flour or 3 loaves of baked bread; 10 kilograms per family, per month, of liquid cooking gas; 1 bar of soap per person, per month, etc. However,

independent surveys conducted by the mission in several diverse areas of Baghdad showed that many families cannot draw their full rations, since the distribution centres are often depleted and they have great difficulty in travelling to other centres. The quality of food distributed has itself deteriorated to the point of causing health problems. Most families also reported that they could not meet their needs through the private markets. Despite official price controls, the independent market surveys conducted by the mission showed hyperinflation since August. The price of most basic necessities has increased by 1,000 per cent or more. For example, flour is now 5-6 dinars per kilogram (and seemingly still rising); rice has risen to 6 dinars per kilogram; sugar to 5 dinars per kilogram; lentils to 4 dinars per kilogram; and whole milk to 10 dinars. In contrast to this hyperinflation, many incomes have collapsed. Many employees cannot draw salaries, the banking system has in large measure closed down and withdrawals are limited to 100 dinars per month. The minimum monthly wage was 54 dinars and the average monthly salary of a civil servant was 70 dinars. In short, most families lack access to adequate rations or the purchasing power to meet normal minimal standards".

B. Report prepared by a mission led by Sadruddin Aga Khan, Executive Delegate of the Secretary-General, 15 July 1991, (S/22799)

11. Paragraph 13 of the summary of main findings and recommendations of the report prepared by the mission reads as follows:

"The mission members concluded that the scale of damage and decline in Iraq in the past year had indeed been dramatic. Eight years of war with the Islamic Republic of Iran had taken their toll even before the destruction of the Persian Gulf war. In significant parts of the country, the destruction caused by the internal civil conflicts that followed the war was comparable or even greater. A final factor had been the consequence of economic and financial sanctions imposed on Iraq, including the freezing of its foreign assets and a ban on the international sale of its oil. [Emphasis added.] It was clear to the mission that the impact of the sanctions had been, and remains, very substantial on the economy and living conditions of its civilian population. The mission was informed that the last reserves of food commodities that are included in the ration basket are in the process of being exhausted".

12. Paragraph 17 of the report reads as follows:

"The health of the population in Iraq is now challenged by growing environmental hazards, insufficient access to quality medical care and inadequate nutrition. Public health programmes have reduced their activities for lack of supplies. Hospitals and public health centres are severely affected by lack of electricity, water and medicines. Medical, surgical, dental and laboratory equipment suffer from the lack of spare parts, reagents and maintenance. The fleet of vehicles that

once assured the effectiveness of the health services has been reduced to a few units. Iraq used to import annually approximately US$ 360 million worth of drugs and medical appliances alone. It is highly improbable that international humanitarian aid will be able to meet this demand. Mechanisms need to be established urgently for the country to procure its own medical supplies and to maintain its equipment in operation. Failing this, the health situation will further worsen. Vulnerable groups, each day more numerous, will be the first victims".

13. Paragraph 18 of the report reads as follows:

"As for the food supply, the position is deteriorating rapidly in virtually all parts of the country. Preliminary forecasts for the current main harvest indicate that this year's aggregate cereal production will be around one third of last year's. This will further increase the country's dependence on imports, which even in good years has meant that approximately 70 per cent of its food needs must be imported. Data collected on prices throughout the country show tremendous levels of inflation. For example, current retail prices for wheat and rice - the two normal staple food items - remain 45 and 22 times their corresponding price levels of last year, while average incomes have shown only moderate gains. The government rationing system, even if basically equitable in its distribution, can provide only about one third of the typical family's food needs, resulting in a strikingly low level of dietary intake. The situation is particularly alarming with respect to the nutritional status of children, pregnant and lactating mothers as well as households headed by widows. Several independent studies and direct observations by the mission confirmed the high prevalence of malnutrition among children. There are numerous, reliable reports of families resorting to sales of personal and household items to meet their immediate needs. Taken collectively, this information clearly demonstrates a widespread and acute food supply crisis which, if not averted through timely intervention, will gradually but inexorably cause massive starvation throughout the country".

C. Report of the International Study Team published in October 1991

14. On the subject of child mortality and nutrition, the report stated as follows:

"Infant and child mortality and nutrition were assessed by conducting surveys in 9,034 households in every region of Iraq. The households were chosen on the basis of stratified random sampling techniques. The household survey was conducted by a team of 32 mostly female Arabic-speakers under the supervision of 10 public health specialists. Within each household, mothers were questioned about the number of children born, the date of birth, whether the children were still alive, and, if deceased, the date of death. This is the standard method for obtaining accurate data on infant and child mortality. Based on these interviews, it is estimated that the mortality rate of children under

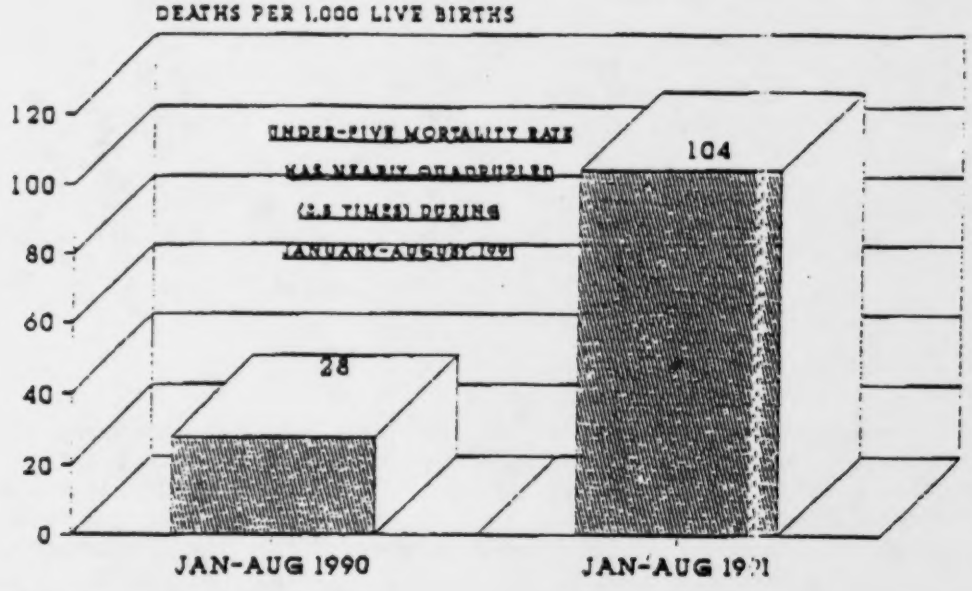
five years of age is 380 per cent greater today than before the onset of the Gulf crisis (see Table 1). The practice of public health specialists is to state infant and child mortality as a proportion of live births.

Table 1: National Under-Five Mortality Rate (Iraq)
January-August

	1991	1990	1991/1990
Under-five mortality rate	104.4	27.8	3.8

Before the Gulf crisis, the mortality rate for children under five years of age was 27.8 deaths per thousand live births. Since the Gulf crisis, the under-five mortality rate has increased to 104.4 deaths per thousand live births (see Figure 1). Furthermore, it is estimated that the mortality rate of children under one year of age (the infant mortality rate) is 350 per cent greater than before the onset of the Gulf crisis (see Table 2). During January to August 1990, before the Gulf crisis, the infant mortality rate was 22.7 deaths per thousand live births.

Figure 1. NATIONAL UNDER-FIVE MORTALITY
(CHILDREN UNDER 5 YEARS OF AGE)
JANUARY - AUGUST



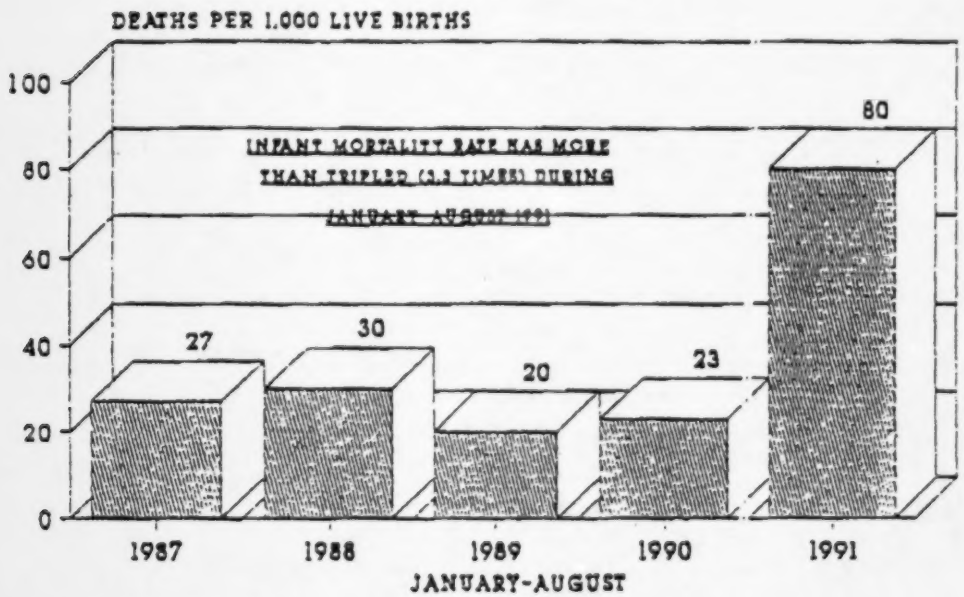
Iraq Household Survey, 1991

Table 2: National Infant Mortality Rate (Iraq)
January-August

	1991	1990	1989	1988	1991/1990
Infant mortality rate	80.0	22.7	19.7	29.5	3.5

Since the Gulf crisis, the infant mortality rate has increased to 80.0 deaths per thousand live births (see Figure 2). The rise in infant and under-five mortality is likely due to a complex interaction of factors.

Figure 2. NATIONAL INFANT MORTALITY RATE
(CHILDREN UNDER 1 YEAR OF AGE)
JANUARY - AUGUST

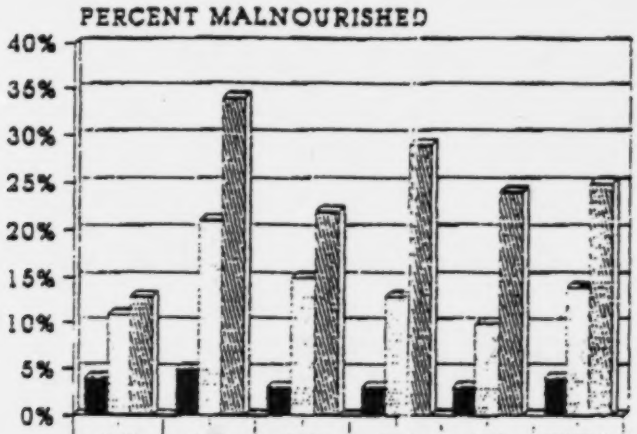


Iraq Household Survey, 1991

There are acute shortages of food and essential medicines throughout Iraq. Lack of clean drinking water and poor sanitation have greatly increased water-borne diseases, such as cholera, typhoid, dysentery, and gastroenteritis. A random sample of 2,902 children registered during the course of the household survey were also measured for their height and

weight. These figures were combined with the children's ages in order to estimate the incidence of malnutrition among infants and children in Iraq. Nutritional status was assessed by looking at three different criteria: height for age; weight for age; and weight for height. According to internationally accepted practice, children were classified as malnourished if they fell two or more standard deviations below the median reference values of the World Health Organization (see Figure 3).

Fig 3. PERCENT OF CHILDREN MALNOURISHED
(ACCORDING TO AGE GROUP)



	3-11 MTH	1-2 YR	2-3 YR	3-4 YR	4-5 YR	TOTAL
WEIGHT FOR HEIGHT	4%	5%	3%	3%	3%	4%
WEIGHT FOR AGE	11%	21%	15%	13%	10%	14%
HEIGHT FOR AGE	13%	34%	22%	29%	24%	25%

Iraq Household Survey, 1991

Nearly 29 per cent of the children assessed were malnourished under one or more of these criteria. According to the World Health Organization, there are a total of 3.3 million children under five years of age in Iraq. Applying the 29 per cent figure to this total number leads us to estimate that over 900,000 Iraqi children are malnourished. The third criterion used to assess child malnutrition, weight for height, is a measure of severe food deprivation or deficient utilization. In a layperson's terms, a child who falls two or more standard deviations below the median value for weight for height is moderately or severely malnourished, with a significantly increased risk of dying. About 3.6 per cent of Iraqi children assessed were malnourished under this criterion (see Table 3).

Table 3: Nutritional status of children under five (Iraq)

Age (yrs)	Height for age	Weight for age	Weight for height
3-11 months	12.9%	10.8%	4.1%
1-2	34.0%	20.9%	5.3%
2-3	22.2%	14.8%	2.8%
3-4	28.8%	12.9%	2.5%
4-5	23.9%	10.2%	2.8%
Total	24.7%	14.2%	3.6%

Note: Figure in box represents per cent malnutrition. Malnutrition is a value more than two standard deviations below the median reference value.

Applying this 3.6 per cent figure to Iraq's total population of children under five leads us to estimate that 118,000 children are either moderately or severely malnourished and therefore at increased risk of dying. The incidence of severe malnutrition appears greatest among children between one and two years of age (see Figure 3). For example, 5.3 per cent of these children measure two standard deviations or more below the median value for weight for height and, therefore, are considered moderately or severely malnourished and at extreme risk. Moreover, over one third of children of this age are malnourished according to one or more of the three criteria."

15. On the subject of health facilities, the report stated as follows:

"The study team included five health professionals (three medical doctors and two public health specialists), who visited 29 hospitals and 17 community health centres located in nearly all governorates of Iraq. At each hospital, they conducted ward prevalence studies of admitted patients, interviewed facility directors, department heads and physicians, and analysed medical and hospital records of malnutrition and disease. The ward-based analysis concentrated on patients under the age of five. Mortality for patients under five years of age varied dramatically throughout the country. For example, at Babel Pediatric Hospital, it has increased 3.9 times for the first seven months of 1991, while at Diwaniya an increase of 1.2-fold was documented. The incidence of diseases was similarly uneven. With the improvement of Baghdad's water supply, the risk of communicable diseases in Baghdad has

substantially diminished in recent months, while in southern Iraq the morbidity pattern is substantially more acute and remains at epidemic or near-epidemic levels. Within hospitals, infant and child malnutrition is clearly the most significant problem documented by the health facility team. Among in-patients at Erbil Pediatric Hospital, the prevalence of malnutrition, as an admitting diagnosis, was 71 per cent; at Sulaymaniyah, 66 per cent; at Mosul, 66 per cent; and at Ramadi Pediatric Hospital, 61 per cent. Food shortages and frequent gastroenteritis appear to have contributed to a very high level of malnutrition. This is reflected in the large increase in low birth weight babies. As an example, in Kut, low birth weight babies represent 30-50 per cent of all live births compared to 12-14 per cent in 1990. The cost of infant formula on the open market has increased 2,000-3,000 per cent since August 1990. In addition, water-borne diseases, including typhoid, gastroenteritis and cholera are epidemic. Hepatitis has increased throughout Iraq and by as much as one hundred-fold in some areas. Meningitis is now widespread in southern Iraq. With the damage to child vaccination programmes, such preventable diseases as measles and polio are also resurgent. Strained health facilities operate at only a fraction of pre-crisis levels. Most lack even basic medical supplies such as vaccines, antibiotics, anaesthetics and syringes. Medicines are in extremely short supply. As a result, infectious diseases go untreated. There is little or no chloramphenicol for typhoid, fluids for rehydration of those suffering from cholera or gastroenteritis, or antibiotics for meningitis. Lack of vaccines and poor sanitary conditions have resulted in outbreaks of previously uncommon and preventable childhood disease, such as polio, measles and tetanus. Drugs for chronic diseases are also unavailable. The rate of coronary attacks has increased substantially because patients with heart disease are unable to obtain anti-angina medication. Teenage diabetics are dying because they cannot obtain insulin. Children with treatable leukemia are dying because anti-cancer drugs are largely non-existent. Laboratories, X-ray units, neonatal units and operating theatres either do not function or provide only limited services. Due to lack of water and detergent, sanitation was poor in nearly every hospital visited. The supply of water to most hospitals and health centres is sporadic. In a bacteriological survey conducted in southern Iraq, 30 per cent of hospital water sources were grossly polluted with coliform indicating faecal contamination. In Kurdish areas, tested water supplies of hospitals found heavy coliform pollution. Moreover, the water that is supplied is often contaminated with faecal matter. Lavatories are clogged. At several hospitals, raw sewage had backed up into the wards."

16. The report included an income and economic survey, which stated as follows:

"Two economist members of the team studied the impact of the Gulf crisis on economic activity, private incomes, public distribution and household consumption. More than a year of war and internal conflicts have had a disastrous impact on the economy. The destruction of the economic

infrastructure and an acute shortage of imported inputs have caused a considerable decline of output and wage employment (especially in the private sector). The reduction of formal employment opportunities, and the general impoverishment of the population, have led to a large-scale expansion of "informal" self-employment (e.g. street-vending). Overall, money earnings have remained more or less unchanged for the majority of the population since August 1990. Over the same period, consumer prices have sharply increased, due to trade restriction, exchange-rate depreciation and reductions in subsidies. The food price index has risen by 1,500 to 2,000 per cent. Correspondingly, real earnings have fallen to less than 7 per cent of their pre-crisis level, in terms of purchasing power over food. In terms of private incomes, the incidence of poverty is now greater in Iraq than in, say, India. The collapse of private incomes has been further aggravated by the deterioration of many basic public services. These adverse developments have been partly compensated by the expansion of public food distribution. Iraq's public distribution system, which covers all residents (except in areas not currently administered by the Government, particularly the north), is equitable and efficient. However, food distribution covers at best one half of the nutritional needs of the population. Many households have to sell their assets to complement food rations with market purchases. The paralysis of economic activity and basic public services, inadequately compensated by food rationing, has been one of the major causes of nutritional deprivation and enhanced mortality."

17. Concerning the psychological condition of children, the report stated as follows:

"On the basis of in-depth interviews of 214 Iraqi children of primary school age, two professional child psychologists report levels of anxiety, stress, and pathological behaviour unprecedented in their 15-year experience in this field. For example, nearly two thirds of children interviewed believe that they will not survive into adulthood. Nearly 80 per cent fear the loss of family through death or separation. Eighty per cent experienced shelling at close distance. The researchers conclude that 'the high proportion of affected children clearly calls for a substantial national and international response to provide the necessary technical, professional and educational means ... to help these affected children'."

18. On the subject of the condition of women, the report stated as follows:

"A report on the condition of women was compiled by three researchers who conducted in-depth interviews with 80 Iraqi women. The collapsed Iraq economy has driven many families to poverty. Due to the sanctions and the damaged water and electricity infrastructure, as well as fuel and food shortages, 80 per cent of women interviewed described a situation where the burden of their domestic responsibilities had increased significantly. Fifty-seven per cent of the women reported suffering from health problems. The Iraqi people, especially the women, are overwhelmed

by their daily struggle to provide for their children even the most basic needs of food and water. Many women are forced to sell their jewellery and other household assets to raise money to buy food for their children. The crisis is worst in the case of vulnerable groups, such as widows, who do not have any personal assets to sell for food and other basic necessities."

19. The following three tables show Iraqi Ministry of Health statistics on the effects of the economic blockade on infant mortality, infectious diseases and adult mortality.

Infant mortality (under five years of age) due to the economic blockade for selected reasons

	Month	No. of deaths
1990	August	699
	September	619
	October	766
	November	629
	December	847
1991	January	959
	February	1 098
	March	1 338
	April	1 476
	May	1 665
	June	1 898
	July	2 238
	August	2 619
	September	3 012
	October	3 465
	Total	23 328

Cases of infectious disease prior to and following the economic blockade

Disease	Pre-blockade	Post-blockade	Percentage increase
Poliomyelitis	28	55	96
Diptheria	16	89	456
Congenital tetanus	87	324	272
Measles	5 915	10 218	73
Pulmonary tuberculosis	1 199	2 303	92
German measles	489	2 116	324
Whooping cough	142	990	597
Hepatitis	2 548	8 776	244
Hydatid cysts	281	2 186	678
Non-congenital tetanus	209	1 693	710
Toxoplasmosis	40	166	315
Mumps	12 658	19 259	52
Pneumonia	6 249	20 892	234
Typhoid	1 829	15 417	743
Undulant fever	2 179	11 896	446
Haemorrhagic fever	22	163	641
Kala-azar	247	3 299	1 236
Cholera	0	851	85 100
Amoebic dysentery	29 523	42 022	42
Scabies	0	1 676	167 600
Rabies	12	111	825

Pre-blockade period: 1 January-31 July 1990

Post-blockade period: 1 January-31 July 1991

Mortality (over-five years of age) due to the economic blockade as a result of selected illnesses (cancer, diabetes, high blood pressure, heart disease)

	Month	No. of deaths
1990	August	1 379
	September	1 449
	October	1 657
	November	2 192
	December	2 490
1991	January	2 791
	February	3 099
	March	3 499
	April	3 896
	May	4 375
	June	4 913
	July	5 228
	August	5 553
	September	5 709
	October	5 996
	Total	54 226

III. SECURITY COUNCIL HANDLING OF THE FOOD AND HEALTH SECURITY OF THE IRAQI PEOPLE

20. Security Council handling of the food and health security of the Iraqi people, despite the seriousness of the matter, remains subject to political considerations which have failed to produce any positive solutions. On the contrary, they have helped to exacerbate the grave effects, despite reports from international organizations which warn of a human tragedy arising from the continued threat to the food and health security of the people due to the economic blockade. It is well known that the provision of food and health security for any people is dependent on two essential and interrelated factors:

(a) The import of food, medicine, health requisites and basic civilian materials without unnecessary restrictions;

(b) Guaranteed financial resources to cover the cost of the imported materials.

Any shortcoming in this regard results in a threat to food and health security and severely undermines a basic human right, namely the right to life. The achievement of food and health security for all peoples is undeniably a national responsibility incumbent on States within the framework of the international cooperation mentioned in article 11 of the International Covenant on Economic, Social and Cultural Rights.

21. In exercising its powers and responsibilities pursuant to Chapter VII of the Charter of the United Nations, the Security Council must endeavour to discharge these duties in accordance with the Purposes and Principles of the United Nations, as stated in article 24, paragraph 2, of the Charter. One of the most important purposes of the United Nations is "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms", as stated in article 1, paragraph 3, of the Charter. In other words, in exercising its responsibilities, the Security Council must show due regard for all the purposes of the United Nations specified in article 1 of the Charter, namely international peace, equality among peoples and human rights.

22. The achievement of food and health security is accorded great importance and is regarded as a cardinal rule in human rights and international humanitarian law. We refer, for example, to the Universal Declaration on the Eradication of Hunger and Malnutrition adopted by the General Assembly on 17 December 1974 and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict adopted by the General Assembly in resolution 3318 (XXIX) on 14 December 1974. A review of the handling of this issue by the Security Council clearly shows that the Council has failed in its obligation to show due regard for all the purposes of the United Nations by deliberately violating the right of the Iraqi people to food and medicine and politicizing the question of the food and health security of the people.

A. The approach adopted in Security Council resolution 661 (1990) of 6 August 1990

23. Operative paragraph 3 of Security Council resolution 661 (1990) reads as follows:

> "Decides that all States shall prevent:
>
> "(a) The import ... of all commodities and products originating in Iraq ...;
>
> "(b) Any activities by their nationals or in their territories which would promote ... the export or transshipment of any commodities or products from Iraq ...;
>
> "(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories, but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, [Emphasis added] ...;".

B. The approach adopted in Security Council resolution 666 (1990) of 13 September 1990

24. Although Security Council resolution 661 (1990) excluded foodstuffs, in principle, from the provisions of the embargo, Security Council resolution 666 (1990) subjected foodstuffs to embargo, except in humanitarian circumstances, and restricted the determination of such circumstances to the Security Council alone. The preamble to the resolution states as follows:

> "Recalling its resolution 661 (1990) of 6 August 1990, paragraphs 3 (c) and 4 of which apply, except in humanitarian circumstances [Emphasis added], to foodstuffs,
>
> "...
>
> "Emphasizing that it is for the Security Council, alone or acting through the Committee, to determine whether humanitarian circumstances have arisen, [Emphasis added] ...".

In other words, the Security Council prohibited States from determining humanitarian circumstances whereas, under resolution 665 (1990), it permitted States to monitor compliance with the blockade. Furthermore, pursuant to resolution 678 (1990) of 25 August 1990, it also permitted a group of States to exercise force against Iraq without Security Council control, thereby confirming its inconsistent approach to this grave issue.

C. The approach adopted in Security Council resolution 687 (1991) of 3 April 1991

25. Although it is over eight months since the blanket economic embargo was imposed on Iraq, and despite the adverse effects thereof on food security, the Security Council has not taken any positive action to obviate such effects. The coalition forces waged war against Iraq from the morning of 17 January 1991 under the difficult food and health circumstances being experienced by the people and rendered more acute by the military operations which damaged the economic infrastructure of Iraq. Following the cease-fire, United Nations Under-Secretary-General Mr. Martti Ahtisaari visited Iraq and submitted his report (S/22366), dated 20 March 1991, in which he catalogued the destructive effects of the economic blockade and military action on food and health security. The Security Council examined the report and adopted its resolution 687 (1991) of 3 April 1991, paragraph 20 of which reads as follows:

> "Decides, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) ... or, with the approval of the Committee, under the simplified and accelerated 'no-objection' procedure, to materials and supplies for essential civilian needs [Emphasis added] as identified in the report of the Secretary-General (S/22366) dated 20 March 1991, and in any further findings of humanitarian need by the Committee;".

26. Paragraph 21 further stipulates that:

> "... the Security Council shall review the provisions of paragraph 20 above every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein".

In other words, the Security Council dealt with the matter in paragraph 20 of its resolution 687 (1991) as follows:

(a) It affirmed that medicine and health supplies were excluded from the embargo;

(b) It permitted the import of foodstuffs provided that the Sanctions Committee was notified, i.e. without requiring the prior approval of the Committee;

(c) It permitted the import of materials and supplies for essential civilian needs with the approval of the Committee under the simplified and accelerated "no-objection" procedure.

27. The Security Council none the less failed to address an important aspect of the import of food and health materials and supplies for essential civilian needs, namely the assurance of financial resources to cover the cost of such imports. However, in operative paragraph 22 of resolution 687 (1991), the Security Council indicates that, upon its approval of the programme called for in paragraph 19 of the same resolution, concerning compensation, and upon its agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 of the resolution, the prohibitions against the import of commodities originating in Iraq shall have no further effect. Paragraph 23 stipulates that, pending action by the Security Council under paragraph 22 above, the Sanctions Committee shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq. In other words, resolution 687 links financial resources to cover imports with the completion of the actions referred to in the said resolution, foremost among which is compensation.

D. The approach adopted in Security Council resolutions 706 (1991) and 712 (1991)

28. Following the exacerbation of the food and health problem in Iraq and the failure to find a solution thereto, despite the adoption three months earlier of resolution 687 (1991), Sadruddin Aga Khan, Executive Delegate for the United Nations Inter-Agency Humanitarian Programme, visited Iraq in July 1991 and submitted his report (S/22799) dated 15 July 1991. The report contained a detailed description of the nutritional and health condition of the civilian population and of essential needs. Paragraph 25 of the report dealt with the subject of resources and the financing of food and health imports:

"... the mission observed that, in most of the cases that came to its attention, problems to date with importing the above items [commodities] had more to do with the financing of such imports than actual prohibitions. The question of financing becomes even more crucial in relation to future importations that need to be made."

29. The report proposed that Iraq should be permitted to sell petroleum and petroleum products, for a six-month period, equivalent to US$ 1.6 billion in order to guarantee the import of food and health materials and essential civilian supplies. However, when the Security Council discussed the report of the Executive Delegate, instead of adopting its proposals and recommendations, it took them out of context and linked Iraqi petroleum sales with the allocation of a large part of such exports to pay the administrative costs of the United Nations and the Compensation Fund, in addition to the costs of food and essential supplies. It also abandoned the procedure adopted in resolution 687 (1991) permitting the import of foodstuffs by simple notification to the Sanctions Committee.

30. The preamble to resolution 706 (1991) of 15 August 1991 states as follows:

"Taking note of the report (S/22799) dated 15 July 1991 of the inter-agency mission headed by the executive delegate of the Secretary-General for the United Nations inter-agency humanitarian programme for Iraq, Kuwait ...,

"Concerned by the serious nutritional and health situation of the Iraqi civilian population as described in this report, and by the risk of a further deterioration of this situation,

"...

"Taking note of the conclusions of the above-mentioned report, and in particular of the proposal for oil sales by Iraq to finance the purchase of foodstuffs, medicines and materials and supplies for essential humanitarian needs for the purpose of providing humanitarian relief, ...".

31. The operative paragraphs of resolution 706 (1991) state as follows:

"1. Authorizes all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 below and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit the import, during a period of six months from the date of passage of the resolution pursuant to paragraph 5 below, of petroleum and petroleum products originating in Iraq sufficient to produce a sum to be determined by the Council following receipt of the report of the Secretary-General requested in paragraph 5 of this resolution but not to exceed 1.6 billion United States dollars for the purposes set out in this resolution and subject to the following conditions:

(a) Approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by resolution 661 (1990) following notification to the Committee by the State concerned;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into an escrow account to be established by the United Nations and to be administered by the Secretary-General, exclusively to meet the purposes of this resolution;

(c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5 of this resolution, of a scheme for the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent possible as being supplied under this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose, such a United Nations role to be available if desired for humanitarian assistance from other sources;

(d) The sum authorized in this paragraph to be released by successive decisions of the Committee established by resolution 661 (1990) in three equal portions after the Council has taken the decision provided for in paragraph 5 below on the implementation of this resolution, and notwithstanding any other provision of this paragraph, the sum to be subject to review concurrently by the Council on the basis of its ongoing assessment of the needs and requirements;

2. Decides that a part of the sum in the account to be established by the Secretary-General shall be made available by him to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687, and the cost to the United Nations of its roles under this resolution and of other necessary humanitarian activities in Iraq;

3. Decides further that a part of the sum in the account to be established by the Secretary-General shall be used by him for appropriate payments to the United Nations Compensation Fund, the full costs of carrying out the tasks authorized by Section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, and half the costs of the Boundary Commission;

4. Decides that the percentage of the value of exports of petroleum and petroleum products from Iraq, authorized under this resolution to be paid to the United Nations Compensation Fund, as called for in paragraph 19 of resolution 687 (1991), and as defined in

paragraph 6 of resolution 692 (1991), shall be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991) for payments to the Compensation Fund, until such time as the Governing Council of the Fund decides otherwise;

5. Requests the Secretary-General to submit within 20 days of the date of adoption of this resolution a report to the Security Council for decision on measures to be taken in order to implement paragraph 1 (a), (b) and (c), estimates of the humanitarian requirements of Iraq set out in paragraph 2 above and of the amount of Iraq's financial obligations set out in paragraph 3 above up to the end of the period of the authorization in paragraph 1 above, as well as the method for taking the necessary legal measures to ensure that the purposes of this resolution are carried out and the method for taking account of the costs of transportation of such Iraqi petroleum and petroleum products;".

32. Pursuant to paragraph 5 of resolution 706 (1991), the Secretary-General issued his report (S/23006) dated 4 September 1991 containing general recommendations and specific measures for the implementation of the relevant provisions of Security Council resolution 706 (1991). The Secretary-General's report contained as annexes two reports of the Executive Delegate of the Secretary-General, the first dated 28 August 1991 on estimates of humanitarian needs and the second dated 27 August 1991 on in-country monitoring of the distribution of emergency imports to meet basic human needs. A discussion of certain paragraphs from the Secretary-General's report is of considerable significance in so far as they concern the subject of food security, the negative impact of resolution 706 (1991) and the departure from the procedure approved under resolution 687 (1991).

33. Paragraph 2 of the Secretary-General's report states as follows:

"A careful study of the relevant provisions of Security Council resolution 706 (1991) and consideration of the measures that may be devised to implement them reveals that a number of those provisions necessitate an approach from a policy point of view [Emphasis added], while some others require elucidation for administrative or procedural purposes."

Although the Secretary-General did not elaborate on the meaning of "an approach from a policy point of view", the paragraph reveals the background and political dimensions of resolution 706 (1991), the subject of the Secretary-General's report, and shows that the essential issue addressed by the Security Council is political and unrelated to food and health security. It also clearly explains the political background, if it is viewed in conjunction with the series of statements made by the President of the United States, George Bush, regarding continuation of the economic embargo as long as President Saddam Hussein remains in power.

34. Resolution 712 (1991) of 19 September 1991 subsequently adopted a procedure whereby food and health materials must receive the prior approval of the Sanctions Committee, thus constituting a means of political pressure on Iraq contrary to paragraph 20 of resolution 687 (1991). Furthermore, the sums

allocated for the import of foodstuffs are insufficient to cover even part of the food requirements. Paragraph 11 of the Secretary-General's report states that "... the actual sum from the sale of Iraqi petroleum and petroleum products will have to be determined by the Security Council after its consideration of the present report. Bearing in mind the reports of the Executive Delegate ..., the Secretary-General deems it necessary to underline that, even if the maximum amount of $1.6 billion was to be the sum authorized by the Security Council under paragraph 1 of resolution 706 (1991), there would be a shortfall of approximately $800 million in the amount estimated by the Executive Delegate ... after deductions for the other purposes stipulated in the resolution." Paragraph 16 of the report, however, states that: "... the mission recommended that the maintenance of food supply and consumption as well as the close monitoring of the nutritional and health status of the Iraqi population are absolutely necessary to prevent full-scale famine and major human disaster developing in the country." Despite the extent of this human tragedy and the need to tackle it without regard for political considerations, the Secretary-General's report concluded with a set of recommendations contained in paragraphs 57 and 58 thereof, which were adopted by the Security Council under the terms of paragraph 2 of resolution 712 (1991) of 19 September 1991.

35. A study of the measures proposed in paragraph 58 of the report, which subsequently became part of Security Council resolution 712 (1991), confirms that they are not only complex but also inconsistent with the previous Security Council resolutions exempting foodstuffs from the requirement to obtain a prior decision from the Sanctions Committee. The terms for petroleum contracts are also so elaborate that their fulfilment entails procedures as intricate as a spider's web. Before stating Iraq's observations regarding resolutions 706 (1991) and 712 (1991), reference should be made to the content of Prince Sadruddin Aga Khan's report dated 28 August 1991 on estimates of humanitarian requirements, which is annexed to the Secretary-General's report on food requirements (S/23006):

> "8. The mission estimated the cost of the imports required to maintain normal food consumption levels at US$ 2.64 billion for a one-year period (US$ 1.32 billion for six months). These import requirements and costs were broken down for 14 different commodities.
>
> "9. The mission also calculated import requirements on the basis of survival ration levels that WFP provides worldwide to sustain disaster-stricken populations. This amounted to US$ 1.62 billion for 12 months (US$ 810 million for six months). This covers a food intake consisting of 1,900 kilocalories per day.
>
> "10. Since the publication of the inter-agency report, there are no new elements that, in the opinion of the Secretary-General, would tend to modify the above assessment.
>
> "11. It is noted at the same time that Security Council resolution 706 (1991) allows Iraq to export petroleum products up to US$ 1.6 billion over a period of six months to finance the purchase of foodstuffs, medicines and other materials and supplies to meet essential

civilian needs. After deductions of the amount of Iraq's financial obligations, as set out in paragraphs 2 and 3 of the resolution, there remains approximately US$ 933 million for essential humanitarian imports of which, say, US$ 670 million could be used for food. This would be substantially less than the minimum food import requirements calculated by the inter-agency mission based on the assumption that all sectors of the population receive identical rations.

"12. Clearly, therefore, strict prioritization of food imports becomes mandatory, and these will have to be limited to only the most essential basic foods. It is recommended that first priority in the import of foods should be given to the commodities included in the Government-administered daily ration basket, namely: wheat flour, rice, vegetable oil, lentils, sugar, tea and powdered milk.

"13. In September 1990, the Government of Iraq introduced a new rationing system consisting of 7 basic food items designed to provide about 2,450 kilocalories per person per day. This ration was subsequently scaled down as a result of food shortages to about 1,600 kilocalories, which is below the survival ration mentioned in paragraph 9 above. The basic ration in this new system is substantially lower than the pre-war food intake of more than 3,000 kilocalories per person per day.

"14. In order to restore rations to an improved consumption level of 2,450 kilocalories daily, and discounting major food items not included in the ration basket, import requirements for 6 months would amount to US$ 1.1 billion. This requirement includes the amount of funding required to continue the vulnerable group feeding programmes."

Daily food rations required to provide 2,450 kilocalories for 18 million people translated into quantities and costs

	Daily ration (kg)	Ration for 30 days (kg)	Requirements for 6 months (tons)	Price per ton c.i.f. Iraq (US$)	Cost (US$)
Flour	0.433	13.00	1 404 000	270	379 080 000
Rice	0.125	3.75	405 000	370	149 850 000
Oil	0.033	1.00	108 000	1 050	113 400 000
Pulses	0.017	0.50	54 000	580	31 320 000
Sugar	0.100	3.00	324 000	520	168 480 000
Tea	0.008	0.25	27 000	2 930	79 110 000
Milk	0.033	1.00	108 000	1 550	167 400 000
Total					1 088 640 000

Paragraph 22 of the report draws the following conclusion: "The total estimate of humanitarian requirements is $1.73 billion net of deductions for the other purposes stipulated in resolution 706 (1991)."

IV. IRAQ'S OBSERVATIONS ON SECURITY COUNCIL RESOLUTIONS 706 (1991) OF 15 AUGUST 1991 AND 712 (1991) OF 19 SEPTEMBER 1991

36. The account of the evolution of the Security Council's handling of the issue of the food and health security of the Iraqi people sheds some light on Iraq's observations on Security Council resolutions 706 (1991) and 712 (1991). These observations focus on the politicization of the food and health security of the people, its use as a means of pressure on Iraq and the fact that both resolutions run counter to the purposes of the United Nations, in addition to the inadequacy of the sums allocated for the import of foodstuffs and the fact that implementation of both resolutions is subject to a complex and impractical procedure.

A. The use of the food and health security of the people as a means of political pressure

37. Security Council handling of the matter of the health and food security of the Iraqi people has clearly moved away from the humanitarian aspect to become an instrument of political pressure on Iraq. Iraq's acceptance of Security Council resolutions and its withdrawal from Kuwait mean that the continued imposition of the economic embargo no longer has any international legitimacy. The Security Council should have begun to take positive measures for the gradual alleviation and eventual lifting of the embargo. However, a comparison of resolutions 687 (1991), 706 (1991) and 712 (1991) shows that, in resolution 712 (1991), the Security Council imposed restrictions which had not previously existed with regard to the import of foodstuffs. This is evidence of the departure from the humanitarian approach in handling the subject and the pursuit of a political approach referred to by the Secretary-General in paragraph 2 of his report (S/23006) dated 4 September 1991.

B. The departure of both resolutions from the purposes of the United Nations in order to obstruct the realization of economic, social and cultural human rights through negative international cooperation

38. As already stated, pursuant to article 24, paragraph 2, of the Charter of the United Nations, the Security Council is bound to act in accordance with the purposes and principles of the United Nations specified in article 1 of the Charter. One of the most important of these purposes is the realization of human rights, for which the Security Council must consequently show due regard while fulfilling its responsibility to maintain international peace and security. A breach of this twofold obligation constitutes "negative international cooperation" and impedes the enjoyment of human rights, contrary to article 11 of the International Covenant on Economic, Social and Cultural Rights which requires positive international cooperation for the realization of such rights. It also violates the Universal Declaration on the Eradication of Hunger and Malnutrition and the Declaration on the Protection of Women and

Children in Emergency and Armed Conflict, both of which were adopted by the General Assembly in 1974. The content of resolutions 706 (1991) and 712 (1991) denotes negative international cooperation which hinders the exercise by the people in Iraq of their economic, social and cultural rights, notwithstanding the Security Council's awareness of the extent of the human tragedy resulting from the ongoing blockade. Its response in those two resolutions was negative; it failed to achieve one of the purposes of the United Nations and was not commensurate with the human tragedy in question.

C. Complexity of the procedures for the sale of Iraqi petroleum

39. The procedures for the sale of petroleum, as specified in resolution 706 (1991) and in paragraph 58 of the Secretary-General's report (S/23006) which was approved in paragraph 3 of resolution 712 (1991), are the most complex procedures ever devised for the contractual sale of petroleum and are inapplicable in practice. A practical and scientific study of the procedures reveals that the steps prescribed for the execution of petroleum contracts have all the intricacy of a spider's web.

40. Paragraph 58 of the Secretary-General's report gives sufficient indication of the complexity of these procedures:

"(a) Iraq, through its oil authority, SOMO, will market and sell the petroleum, f.o.b. Ceyhan;

"(b) Every contract must include the following terms:

(i) The contract enters into force only after it has received the approval of the Committee established by resolution 661 (1990), following notification to the Committee by the State in which the purchaser is based;

(ii) The full proceeds from the sale of petroleum are to be deposited by the purchaser into the escrow account established by the United Nations and administered by the Secretary-General, in accordance with the Financial Regulations and Rules of the United Nations;

(iii) The purchaser must open a letter of credit for each transaction providing for payment into the United Nations escrow account;

(iv) The oil will be shipped via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey;

"(c) The Security Council Committee established by resolution 661 (1990) will have ultimate responsibility for monitoring the sale of Iraqi oil. It will be assisted in this function by independent inspection agents appointed by the United Nations, who will verify that the above terms are included in every contract and that the price of the oil is reasonable in light of prevailing market conditions. The Committee may also be assisted by other experts as appropriate in all aspects of its work deriving from Security Council resolution 706 (1991);

"(d) The Committee established by resolution 661 (1990) should adopt procedures by which approval of each contract can be obtained promptly. Submissions for approval to the Committee can be made only by the Government of the State of the purchaser concerned. The Governments of States where purchasers are located should, where necessary, establish procedures that facilitate prompt submission of the contracts to the Committee for approval;

"(e) Inspection agents will be appointed by the United Nations to ensure that the quantity and quality of oil delivered accords with the contract terms and that no oil is delivered without the requisite approval. They will be stationed at the Iraqi access points to the Kirkuk-Yumurtalik pipeline, at the border between Iraq and Turkey to the extent possible and at the loading terminal in Yumurtalik;

"(f) The purchaser will open a letter of credit, issued by a reputable bank engaged in international banking, for each transaction providing for payment into the United Nations escrow account;

"(g) Explicit language should be included in the Security Council resolution approving the present report setting forth the immunity of the oil. Iraq should be required, in the same resolution, to take all steps necessary to accord immunity to the oil. Additionally, Turkey should be called upon by the resolution to ensure that, while in Turkish jurisdiction, the oil will not be subjected to legal proceedings;

"(h) The escrow account should be set up as a United Nations account and as such will be fully protected by the immunities of the United Nations. Additional protection would follow from establishing the escrow account in a bank of a country which, under the national laws of that country, enjoys the maximum protection from third-party claims. It would also come from including language in the Security Council resolution approving the present report reiterating that the escrow account is to be considered a United Nations asset and therefore enjoys the privileges and immunities of the United Nations."

The striking point about these complicated procedures is the fact that the submission of requests for the approval of petroleum sales is confined to the Governments of the purchasing countries rather than the purchasers themselves. This is a politicization of the issue, particularly since, in most parts of the world, petroleum sales contracts are executed by companies which are not necessarily Government-owned. Hence, restricting the submission of requests to Governments could be abused and could hinder the procedures.

D. The restriction of immunity to petroleum, to the exclusion of food and health materials

41. Operative paragraph 5 of resolution 712 (1991) stipulates that petroleum shall be immune from legal proceedings and shall not be subject to any form of attachment, garnishment or execution. This paragraph was adopted pursuant to paragraph 58, subparagraph (g), of the Secretary-General's report. However,

the concern on the part of the Secretary-General, and subsequently the Security Council, to grant immunity to petroleum, fearing that it would be subject to attachment or garnishment, did not extend to food or health materials imported into Iraq. Consequently, such items can be attached or garnished in so far as they are the property of Iraq once shipment has taken place. The Security Council is clearly eager to ensure the immunity of petroleum as a resource which can cover the costs of implementing the resolutions of the Security Council itself, whereas it shows no concern regarding the immunity of food and health materials imported for humanitarian reasons to meet the basic needs of the Iraqi people, even though attempts have been made in Turkey to attach some foodstuffs being imported into Iraq.

E. The subjection of food purchases to procedures inconsistent with resolution 687 (1991)

42. Paragraph 20 of resolution 687 subjected the import of foodstuffs to a procedural notification to the Sanctions Committee. However, paragraph 58, subparagraphs (i), (j), (k) and (l), of the Secretary-General's report approved by the Security Council pursuant to resolution 712 (1991), paragraph 3, replaced the procedural notification to the Committee with the stipulations concerning prior approval by the Committee and revision by the Office of the Executive Delegate. The subparagraphs state as follows:

> "(i) Purchases of the supplies to meet humanitarian needs in Iraq will be undertaken by Iraq. Monitoring of the purchases and deliveries will be undertaken by the Secretariat with the assistance of United Nations-appointed inspection agents;
>
> "(j) The Office of the Executive Delegate will receive a list of humanitarian requirements from Iraq and, after revising the list, if necessary, submit it to the Committee established by resolution 661 (1990) for approval;
>
> "(k) The Committee established by resolution 661 (1990) should adopt procedures for approving the submitted list. Upon approval, the Committee shall so notify the Secretary-General, who shall authorize payments from the United Nations escrow account. The Office of the Executive Delegate will then notify Iraq that it may commence procedures for the purchases and for arranging deliveries of the goods;
>
> "(l) Inspection agents appointed by the United Nations will evaluate, verify and monitor every element of the transaction up to entry points to Iraq. Part-payment may be made to suppliers at the time of delivery. The remainder will be paid after the Office of the Executive Delegate has submitted a report confirming compliance with the terms of the supply contract to the Committee established by resolution 661 (1990) and the Committee approves such payment;".

43. In other words, resolutions 706 (1991) and 712 (1991) hindered the procedure approved in resolution 687 (1991) and included foodstuffs in the embargo, since they require prior approval from the Sanctions Committee. This

is further evidence of the deliberate use of food and medical security solely as a form of pressure far-removed from any of the humanitarian considerations repeatedly mentioned in the resolutions of the Security Council.

F. Insufficiency of the sums remaining from petroleum sales to cover the minimum food and health requirements

44. The aforementioned paragraph 11 of the report of the Executive Delegate dated 28 August 1991 and annexed to the report by the Secretary-General (S/23006), states that the sum of US$ 670 million remaining from the sale of petroleum will be insufficient to cover the minimum food requirements. Accordingly, in paragraph 15 of his report, the Executive Delegate suggested that the Security Council might wish to review its earlier decision to limit Iraqi petroleum sales to US$ 1.6 billion. The Security Council, however, despite its familiarity with this report, failed to amend the said sum and endorsed the proposed deductions. Resolutions 706 (1991) and 712 (1991) therefore failed to satisfy the minimum food requirements of the people in Iraq.

G. The complicated procedure for the use of the funds in the escrow account to cover the import of foodstuffs and the method of payment

45. The possibility of implementing the import scheme for essential foodstuffs is dependent on approval by the Secretary-General of the United Nations of the allocation of the funds required to implement the scheme. This can be done only if the funds are available in the escrow account, which is administered by the Secretary-General pursuant to paragraph 3 of resolution 706 (1991). Consequently, if the account does not contain the requisite funds, the implementation of the scheme, even in part, will remain unfeasible until such time as the funds are available. Bearing in mind that payment for the petroleum may take at least a month, if not longer, and that the export process may take an even longer period, then this account will, in fact, be a theoretical account in practice until the funds are available. In other words, the possibility of implementing the import scheme and allocating the funds required for the essential foodstuffs for humanitarian needs may take a long period of time, which will naturally entail a deterioration in the food and health situation in Iraq. The resolution has precluded the import potential which Iraq could have realized, by either exporting petroleum or using its frozen assets, which fell within the scope of Security Council resolution 687 (1991) and the letters sent by the Chairman of the Sanctions Committee in that respect, particularly regarding the frozen assets, to the States concerned. Therefore, resolutions 706 (1991) and 712 (1991) are merely resolutions adopted to thwart implementation of the provisions of resolution 687 (1991), concerning the partial lifting of the embargo on the food, medicines and essential civilian materials required by Iraq during the period of implementation of the provisions of the said resolution. We therefore regard the creation of the escrow account procedure as nothing more than a further means to impede the supply to Iraq of the humanitarian needs approved in resolution 687 (1991). It would have been more

appropriate to adopt a different procedure which could guarantee the prompt supply to Iraq of its requirements in regard to food and medicine and other humanitarian needs by agreeing to the export by Iraq of sufficient petroleum to cover these needs. The creation of such an account was unnecessary.

46. With regard to the method of payment proposed for contracts concluded with suppliers, even if the scheme to meet Iraq's food and humanitarian needs is approved and the requisite funds are allocated, it is proposed that only 60 per cent of the value of the shipments made in execution of contracts should be paid on submission of the documents. The balance would be paid on confirmation by United Nations representatives that the materials have been delivered in accordance with the contracts. It might take a long period of time to obtain such confirmation and the supplier might be placed in a difficult situation regarding acceptance of such terms.

47. In addition to the extra costs that Iraq would have to bear as a result of the delay in payment of the value of the contract sum, a serious situation would arise due to the possibility of the balance remaining unpaid for whatever reason and this would place the Iraqi importer in an awkward position regarding the possibility of signing and implementing contracts with suppliers. This procedure therefore constitutes yet another major obstacle to the import of the requisite materials to Iraq under the scheme.

H. The undue economic and financial pressure on Iraq with a view to forcing it to reveal its gold and foreign currency assets

48. Operative paragraph 7 of resolution 706 (1991) reads as follows:

> "Requires the Government of Iraq to provide to the Secretary-General and appropriate international organizations on the first day of the month immediately following the adoption of the present resolution and on the first day of each month thereafter until further notice, a statement of the gold and foreign currency reserves which it holds whether in Iraq or elsewhere;".

This requirement, which is unprecedented in the history of the United Nations and the application of Chapter VII, is clearly a means of bringing undue and unwarranted economic and financial pressure to bear on Iraq with the aim of ensuring that it remains in a critical financial position and on the verge of financial collapse, so that it will be unable to fulfil its obligations towards its citizens. The stipulation that this requirement should continue until further notice confirms the deliberate intention to continue pressure on Iraq and politicize the issue of the food and health security of the people.

49. The foregoing observations of Iraq on resolutions 706 (1991) and 712 (1991) are merely some of many examples. The resolve of the Security Council to continue the blockade without any justification was regrettably confirmed during its periodic discussion of the subject on 20 December 1991, when the members of the Council failed to agree, as announced by its Chairman in his press statement on 21 December 1991, to

modify the approach adopted in resolutions 706 (1991) and 712 (1991), by resubjecting foodstuffs to the notification procedure and civilian materials to the simplified no-objection procedure.

50. Iraq hopes that this document submitted to the Commission on Human Rights will contribute to an objective and humanitarian discussion of the matter in a spirit far removed from political influences. It also hopes that the Commission will take measures to enhance serious and positive international cooperation to ensure the realization of human rights and guarantee the food and health security of the Iraqi people, who are under daily threat as a result of the unwarranted blockade.